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sale. See *Wintler Abstract & Loan Co. v. Sears*, *supra*. Inasmuch as the memoranda furnished the defendant by the insurance companies came originally from the partnership books, it seems that the court should have enjoined the defendant from employing it in competition with the plaintiff.

PROXIMATE CAUSE—WRONGFUL DEATH—SUICIDAL MANIA RESULTING FROM MENTAL AND PHYSICAL TORTURE.—The defendant officers of the law, without a warrant, held the plaintiff's intestate *incommunicado* in a room of the Department of Justice Building for two months during which they subjected him to "physical and mental torture" for the purpose of securing information of anarchistic operations. In a fit of suicidal despondency, he threw himself out of a fourteenth story window and was killed. His administratrix brought an action for damages against the Attorney-General and others. *Held*, that as the suicide of the intestate operated to break the chain of causal connection between the act and the death, there could be no recovery. *Salsedo v. Palmer et al.* (Dec. 14, 1921) U. S. C. C. A. 2d, Oct. Term, 1921, No. 59.

The general effect of suicide upon causal connection seems to be that an action can be maintained only where the suicide results from an uncontrollable influence or is committed in a delirium or frenzy caused by the defendant's act. *Brown v. American Steel & Wire Co.* (1909) 43 Ind. App. 560, 88 N. E. 80; *Daniels v. New York, etc. Ry.* (1903) 183 Mass. 393, 67 N. E. 424. The instant case holds flatly that such a state of irresponsibility or "suicidal mania" was not a natural result of mental or physical torture and could not have been reasonably anticipated. This seems to be the federal rule. *Scheffer v. Railroad* (1881) 105 U. S. 249. There is a growing tendency to hold that the test of reasonable anticipation of harm should merely determine the existence of the negligence and once that is established the tort-feasor should be held responsible for all proximate and natural results. *Watts v. Evansville Ry.* (1921, Ind.) 129 N. E. 315; *In re Polemis and Furness, Withy & Co.* [1921, C. A.] 3 K. B. 560. Where, as in the instant case, there is a wilful tort, some courts strongly incline to hold the wrongdoer liable for all proximate consequences, whether probable or not. *Wyant v. Crouse* (1901) 127 Mich. 158, 86 N. W. 527; see Jeremiah Smith, *Legal Cause in Actions of Tort* (1912) 25 HARV. L. REV. 231, 242-247. Suicide in circumstances similar to the instant case is not a bar to recovery for the death in actions brought under the Workmen's Compensation Act. *Standard Ins. Co. v. Sponatski* (1915) 220 Mass. 526, 108 N. E. 466; *Marriott v. Maltby Main Colliery Co.* (1920, C. A.) 124 L. T. R. 489. It has been suggested that in compensation cases the test of probability is not applicable even in jurisdictions which apply that test in actions grounded upon negligence. *Milwaukee v. Industrial Commission* (1915) 160 Wis. 238, 151 N. W. 247; see also *Fiarenzo v. Richards Co.* (1919) 93 Conn. 581, 107 Atl. 563. Yet in both situations the problem is the same—namely, is there such a relation of cause and effect as the law will recognize? In its decision in the principal case the court relied solely upon the *Scheffer* case, *supra*, in which recovery was denied where the intestate, becoming despondent over his failure to recuperate from injuries received eight months before in a railroad accident, committed suicide. The instant case seems distinguishable not only in that it involved a wilful tort but that the suicide was contemporaneous with the wrongful act. The *Scheffer* case has been criticized as "hardly reconcilable with the current of authority" on this subject. See Beale, *The Proximate Causes of an Act* (1920) 33 HARV. L. REV. 633, 645. Upon its exceptionally strong facts the instant case might well have been decided otherwise. However, a justification for the decision may perhaps be found in the necessity for a "pragmatic" solution of these questions in causal connection. See Cardozo, J., in *Bird v. St. Paul Ins. Co.* (1918) 224 N. Y. 47, 52, 120 N. E. 86, 87. For a further discussion of causal connection as applicable to similar cases, see (1921) 31 YALE LAW JOURNAL, 102.